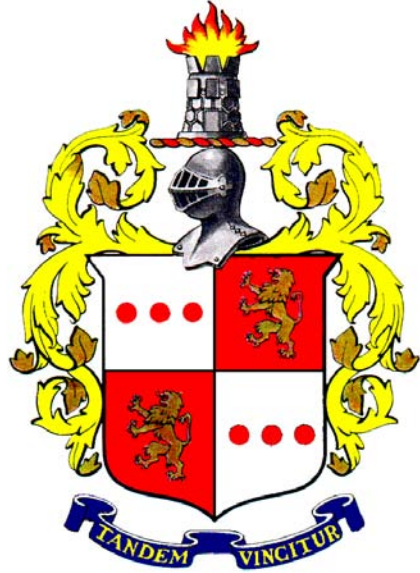


MORRIS COUNTY
Open Space, Farmland and
Historic Preservation Trust Fund

Rules and Regulations

Adopted May 26, 2010



**Morris County
Board of Chosen Freeholders
2010**

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The Morris County Open Space, Farmland and Historic Preservation Trust Fund Rules and Regulations

1. Introduction

The State of New Jersey enacted legislation which permits "...the governing body of any County in which the voters of the County have approved in a general or special election, a proposition authorizing the acquisition of lands for conservation as open space and/or as farmland may annually raise by taxation a sum not to exceed the amount or rate set forth in the proposition approved by the voters..."

Acknowledging the need to preserve open space and farmland, the Morris County Board of Chosen Freeholders passed a resolution on August 12, 1992 authorizing the placement of a public question on the November 3, 1992 ballot. The voters of the county, in order to assure Morris County's long standing tradition of maintaining a high quality of life through the acquisition of open space, recreational lands, and areas of environmental significance, approved a non-binding referendum by a margin of 2 to 1 for the creation of the Morris County Open Space and Farmland Preservation Trust ("trust fund") to be funded by a tax not to exceed \$.02 per \$100 of total county equalized real property valuation.

As a result of the election, the Board of Chosen Freeholders established the trust fund by resolution on December 22, 1992. The fund commenced on July 1, 1993 with a tax equal to one-half cent per \$100 of total county equalized real property valuation. The Board of Chosen Freeholders annually reviews and sets the collection rate. Since its inception, four amendments have been approved by non-binding referenda; these amendments permit additional uses of trust fund dollars in accordance with Chapter 24 and increase the maximum collection rate. Rules and Regulations for the administration of the Open Space and Farmland Preservation trust fund were formally adopted by the Board of Chosen Freeholders on December 14, 1994 pursuant to N.J.S.A. 40:12-19, and have been periodically amended as necessary.

The trust fund is divided into three program areas: 1) Open Space Preservation; 2) Farmland Preservation; and 3) Historic Preservation. The open space program is further divided into three program areas: 1) Municipal and/or qualified charitable conservancy projects; 2) Morris County Park Commission; and 3) Morris County Municipal Utilities Authority.

The Morris County Open Space Committee was created by the Board of Chosen Freeholders to review and evaluate applications under the Municipal and/or qualified charitable conservancy program and provide recommendations for funding. All recommendations are subject to the final approval of the Board of Chosen Freeholders.

The Morris County Park Commission was formed by referendum in 1955 to acquire and develop land for leisure and recreational use. The determination of which properties are to be acquired under this program shall be the responsibility of the Park Commission, subject to the final approval of the Board of Chosen Freeholders.

The Morris County Municipal Utilities Authority (M.U.A.) supports many efforts focused on protecting the environment including purchasing open space to protect the water supply, aquifers and their recharge areas. The determination of which properties are to be acquired under this program shall be the responsibility of the Municipal Utilities Authority, subject to the final approval of the Board of Chosen Freeholders.

The Morris County Agriculture Development Board (CADB) was created by the Board of Chosen

Freeholders in 1983 to oversee preservation of farmland in accordance with the Agriculture Retention and Development Act (N.J.S.A. 4:1C). The determination of which properties are to be acquired under this program shall be the responsibility of the CADB, subject to the final approval of the Board of Chosen Freeholders.

The Morris County Historic Preservation Trust Fund Review Board was created by the Board of Chosen Freeholders in 2002 to review and evaluate applications under the Historic Preservation Trust Fund Program and provide recommendations for funding. All recommendations are subject to the final approval of the Board of Chosen Freeholders. Sections 5.1 and 5.2 provide further details on the background of this program.

1.1 Allocation of Funds

The monies available to the Morris County Open Space, Farmland and Historic Preservation Trust Fund shall be allocated in the following manner:

- 25% - to Municipal and/or Qualified Charitable Conservancy projects
- 25% - to the Morris County Agriculture Development Board for farmland preservation projects
- 20% - to the Morris County Park Commission for eligible projects
- 5% - to the Morris County M.U.A. for eligible projects
- 20% - to discretionary projects within any of the four above specified categories
- 5% - to ancillary County costs associated with the acquisition of open space and farmland

The Morris County Board of Chosen Freeholders shall by resolution designate a sum of funds to be used for the Historic Preservation Trust Fund.

Discretionary Funding

The specified annual percentage of funds shall be considered discretionary. These funds may be used to supplement funding for a project(s) in any of the categories. Discretionary funds will be allocated on a competitive basis as recommended by the Morris County Open Space Trust Fund Committee to the Morris County Board of Chosen Freeholders.

Ancillary

In the event unexpended funds are available, the Morris County Board of Chosen Freeholders, upon recommendation by the Morris County Open Space Trust Fund Committee, may allocate funds by resolution to any of the above named categories.

1.2 Allocation of Funds-Interest on Investments

Any interest earned on the investment of funds from the Morris County Open Space, Farmland and Historic Preservation Trust Fund shall be retained within the trust fund with the total amount of interest earned from July to June to be added to next year's dedicated tax amount and distributed in accordance with Section 1.1.

2. Definitions

The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

Acquisition - the securing of a fee simple or a lesser interest in land, including but not limited to an easement restricting development, by gift, purchase, installment purchase agreement, devise, or condemnation.

Aquifer Recharge Protection Area - lands through which water of significant volume and high quality moves down to an underlying groundwater reservoir.

Conservation Restriction - an interest in land less than fee simple, stating in the form of a right, restriction, easement, covenant, or condition, in any deed, will, or other instrument, other than a lease, executed by or on behalf of the owner of the land, appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition; appropriate for conservation of soil or wildlife; appropriate for outdoor recreation or park use; or appropriate as suitable habitat for flora or fauna.

Department - the Morris County Department of Planning & Development

Farmland - land actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L. 1964, c. 48 (C. 54:4-23.1 et seq.).

Historic Preservation - the performance of any work relating to the stabilization, repair, rehabilitation, renovation, restoration, improvement, protection, or preservation of a historic property, structure, facility, site, area, or object.

Historic property, structure, facility, site, area, or object - any property, structure, facility, site, area, or object approved for inclusion, or which meets the criteria for inclusion, in the New Jersey Register of Historic Places pursuant to P.L. 1970, c. 268 (C.13:1B-15.128 et seq.).

Lands - real property, including improvements thereof or thereon, rights-of-way, water, lakes, riparian and other rights, easements, privileges, and all other rights or interests of any kind or description in, relating to, or connected with real property.

Charitable Conservancy - a corporation or trust exempt from federal income taxation under paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986 (26 U.S.C. §501 (c)(3)), whose purpose include (1) acquisition and preservation of lands in a natural, scenic, or open condition, or (2) historic preservation of historic properties, structures, facilities, sites, areas, or objects, or the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes.

Recreation and Conservation Purposes - use of lands for parks, open space, natural areas, ecological and biological study, forests, water reserves, wildlife preserves, fishing, hunting, camping, boating, winter sports, or similar uses for either public outdoor recreation or conservation of natural resources, or both.

3. Open Space Preservation

3.1 Morris County Park Commission

Eligible applicants, properties and review procedures of open space projects to be acquired by the Morris County Park Commission shall be determined by this agency.

3.2 Morris County Municipal Utilities Authority

Eligible applicants, properties and review procedures of open space projects to be acquired by the Morris County Municipal Utilities Authority shall be determined by this agency.

3.3 Municipal and/or Qualified Charitable Conservancy Projects

3.3.1 Eligible Applicants

The following entities are eligible to apply for funds:

1. Any of the thirty-nine municipalities in the County of Morris
2. Charitable conservancies

3.3.2 Eligible Acquisitions

Projects eligible for consideration for funding from the Morris County Open Space, Farmland and Historic Preservation Trust Fund include the following:

1. Land or water areas for recreation and conservation purposes, including but not limited to:
 - a. Parkland, natural areas, greenways
 - b. The protection of ecologically sensitive areas including freshwater wetlands, steep slopes and stream corridors
 - c. The preservation of lands containing exceptional flora or fauna
 - d. The preservation of areas of scenic, historic and cultural value
 - e. Passive and active outdoor recreational opportunities
 - f. The protection of critical water supplies such as areas surrounding municipal/county wells, aquifer recharge protection areas or watershed areas, and floodplains
2. The acquisition of historic sites eligible under the Historic Preservation Trust Fund Program (See Section 5.6).

3.3.3 Ineligible Acquisitions

Projects ineligible for funds from the Morris County Open Space, Farmland and Historic Preservation Trust Fund include but are not limited to the following:

1. Sites which will remain predominantly covered by buildings or structures, except sites which meet historic preservation criteria under the Historic Preservation Trust Fund Program.
2. Former landfill sites.
3. Sites which at the time of application are municipally designated for compliance with Mt. Laurel court settlements or Council on Affordable Housing substantive certification.
4. Development costs such as construction of ballfields, tennis courts, roads etc.
5. Any administrative, maintenance, care, custodial or policing expenditures associated with the acquisition of open space.
6. Sites already owned by municipalities/qualified charitable conservancies or acquired during the application process.

3.3.4.1 Open Space Trust Fund Committee

The Open Space Trust Fund Committee (“Committee”) shall review, prioritize, and make recommendations to the Morris County Board of Chosen Freeholders on the funding of projects which fall into the municipal/qualified charitable conservancy and discretionary share categories. The Committee shall not have the authority to amend or modify acquisitions undertaken by the Park Commission, M.U.A., Agriculture Development Board, or Historic Preservation Trust Fund Review Board.

All nominees to the fifteen member Committee shall be reviewed according to standard County procedures in order to avoid any potential conflict of interest. The Morris County Board of Chosen Freeholders shall appoint the Committee based upon the recommendation(s) from the various municipalities and/or entities as follows:

Number of Appointees	Appointee Representation
8	Municipal representatives, with one representative from each of the Open Space Regions as stipulated below and on Figure 1.
2	At-Large members
1	Morris County Planning Board from its membership
1	Morris County Park Commission from its membership
1	Morris County Agriculture Development Board from its membership
1	Morris County Municipal Utilities Authority from its membership
1	Morris County Historic Preservation Trust Fund Review Board from its membership

Region	Municipalities (listed in order of rotation sequence)
I	Mt. Olive, Washington, Chester Twp., Chester Boro.
II	Mendham Boro., Mine Hill, Randolph, Mendham Twp., Victory Gardens, Dover
III	Roxbury, Mt. Arlington, Jefferson, Netcong
IV	Rockaway Twp., Denville, Rockaway Boro., Wharton
V	Parsippany, Mt. Lakes, Boonton Twp., Boonton Town
VI	Pequannock, Butler, Lincoln Park, Kinnelon, Montville, Riverdale
VII	Morristown, Morris Plains, East Hanover, Hanover, Morris Twp.
VIII	Madison, Chatham Boro., Chatham Twp., Florham Park, Harding, Long Hill

Municipal representatives shall be a resident of the municipality, and an elected official or appointed to a municipal board or commission recommended to the Board of Chosen Freeholders from the respective town. Municipal administrators shall not be required to meet the residency requirement of the municipality. The Morris County League of Municipalities shall decide upon the rotation sequence for each municipality within the regions.

The Morris County Board of Chosen Freeholders may also appoint a liaison to the Committee; this member shall not have voting privileges.

All members shall abide by Morris County's Policy and Procedures for Attendance of Volunteer Members of Advisory Bodies at Scheduled Meetings and Conflict of Interest.

All Committee members shall be residents of Morris County (with the exception noted above for municipal administrators), and shall be required to properly file a financial disclosure statement as required by N.J.S.A. 40A:9-22.1.

3.3.4.2 Term of Office

Initially, municipal representatives from Regions II, VI, VII and VIII; one of the At-Large appointees, the designee from the Morris County Planning Board, and the designee from Morris Tomorrow shall serve a one year term. All other appointees shall serve a two year term. Thereafter, all terms shall be for a two year period.

Commencing in 2008, all terms for members representing the Morris County M.U.A., the Morris County Planning Board, Morris Tomorrow, the Morris County Park Commission, the Morris County Agriculture Development Board and the two At-Large appointees shall be for a two year period. All terms for municipal members representing the regions shall be for a three year period.

Commencing in 2011, a third At-Large appointee shall replace the representative from Morris Tomorrow. The term of office shall be for a two year period. Commencing in 2012, a representative from the Morris County Historic Preservation Trust Fund Review Board shall replace an At-Large appointee. The term of office shall be for a two year period.

Municipal members representing the regions shall serve for only one term. All other Committee members shall serve no more than two consecutive terms. All members shall serve on a voluntary basis without compensation.

Members representing the Morris County M.U.A., the Morris County Planning Board, the Morris County Park Commission, the Morris County Agriculture Development Board, the Morris County Historic Preservation Trust Fund Review Board and the two At-Large appointees who have served two consecutive terms cannot be re-appointed to the Committee for a time period of two years from the expiration date of their last term.

If the municipal member's elected or appointed term of office expires prior to the end of his/her term on the Open Space Trust Fund Committee, the municipal member may complete his/her entire term, at the discretion of the appointing municipal governing body. If a municipal member is unable to complete his/her entire term, a new representative from that municipality shall be appointed for the remainder of the term.

If the term of office of a member representing the Morris County M.U.A., the Morris County Planning Board, the Morris County Park Commission, the Morris County Agriculture Development Board and/or the Morris County Historic Preservation Trust Fund Review Board expires prior to the end of his/her term on the Open Space Trust Fund Committee, the member's term shall be completed by a different individual representing that member's jurisdiction.

3.3.4.3 Selection of a Chairperson, Vice-Chairperson and Secretary

The Committee shall elect a Chairperson, Vice-Chairperson and Secretary from its membership at its annual re-organization meeting in April. The term of the office shall be for one year.

The Chairperson shall preside at all meetings of the Open Space Trust Fund Committee and be an ex-officio member of any and all sub-committees that may be created. The Chairperson shall appoint all

standing and ad hoc committees as may be required.

The Vice-Chairperson shall perform the duties of the Chairperson in his/her absence. Should the office of Chairperson become vacant, the Vice-Chairperson shall succeed to the office of the Chairperson for the balance of the term. The Vice-Chairperson shall perform such duties as may be assigned by the Chairperson.

The Secretary shall sign all official documents as may be required.

3.3.5 Acquisition Review

The Open Space Trust Fund Committee shall annually review, prioritize and recommend for funding those projects submitted by municipalities and/or qualified charitable conservancies. Recommendations shall be made to the Morris County Board of Chosen Freeholders in accordance with a schedule established by the Committee.

In the event previously approved grant funds are not expended due to grant expiration, withdrawal, or return of additional funds prior to the application deadline, said funds shall be added to the current year's allocation in this category.

3.3.6 Acquisition Procedures

The Open Space Trust Fund Committee shall develop an application package and establish criteria by which applications in the "municipal and/or qualified charitable conservancy" and "discretionary share" categories are to be evaluated.

Applicants which have been approved for funding shall fund all costs incurred in connection with the acquisition of any land or interest therein including but not limited to the cost incurred for: appraisals, wetland delineations, surveys, preliminary assessment reports, title searches, legal expenditures and any other costs associated with the acquisition of such land or interest therein.

Applicants approved for funding shall have fifteen (15) months to acquire the property. The timeframe will commence on January 1st of the following calendar year. Additionally, all approved applicants can obtain up to two grant extensions if it is shown that there are challenging circumstances which inhibit a project's acquisition within the initial 15-month deadline. The first grant extension shall extend for six (6) months from the expiration of the initial 15-month deadline. The second grant extension shall extend from the expiration of the first grant extension to the date of the application deadline for the next year's funding round. The change in the expiration date of the second grant extension shall apply to all grants awarded in 2008, 2009 and all subsequent funding rounds. Example for a grant awarded in 2009:

Grant Period	Expiration Date
Initial grant of 15 months	April 1, 2011
First grant extension	October 1, 2011
Second grant extension	Open space application deadline in July 2012

If the applicant fails to complete the project within the aforementioned timeframes, the applicant shall forfeit the grant and may re-apply in the next funding round. Under no circumstances shall this guarantee the project would again be awarded a grant. Applicants approved for funding shall have 90 days from December 1 to return the executed grant agreement to the county. Failure to return the executed grant agreement to the county within this time frame shall result in the forfeiture of the grant award.

3.3.7 Acquisition Strategies

The following acquisition strategies shall be considered in the allocation of funds from the Open Space, Farmland and Historic Preservation Trust Fund:

1. Encourage projects which qualify for State Green Acres funding.
2. Encourage multi-use projects (projects including several elements such as water protection, recreation, historic and scenic preservation, etc.)
3. Give consideration to projects involving land under immediate threat of commercial, industrial or residential development where development of the property would be inconsistent with overall character of the community.
4. Give consideration to projects submitted by municipalities with little or no existing lands preserved as open space or recreation.
5. Give consideration to applications whereby matching funds are provided.
6. Encourage joint public/private sector projects.
7. Projects should be consistent with the objectives of County and Municipal Open Space Plans.

4. Farmland Preservation

The Morris County Agriculture Development Board (CADB) oversees the preservation of farmland in accordance with the Agriculture Retention and Development Act (N.J.S.A. 4:1C). The Morris County Comprehensive Farmland Preservation Plan ("Plan") was adopted as an element of the Morris County Master Plan in July 2008 and is used to guide the efforts of the CADB in preserving its remaining agricultural lands. The entire Plan can be viewed at the following website:

<http://www.morrispreservation.org/MorrisCADBCompPlan.htm>.

5. Historic Preservation

5.1 Introduction

The Morris County Historic Preservation trust fund was created by the Morris County Board of Chosen Freeholders to help support the preservation of the county's exceptional abundance of historic resources. The trust fund is being established under N.J.S.A. 40:12-15, et seq., which states that the selection of projects must be in agreement with a historic preservation plan prepared and adopted by the county.

The county's Historic Preservation Element of the county Master Plan, together with the Morris County Historic Sites Survey, are the principal documents that have guided county and municipal preservation planning efforts for the last two decades. Reflecting its diverse history as the military capital of the American Revolution and as an important iron-producing region and agricultural center, Morris County has hundreds of sites and scores of districts listed on the New Jersey Register of Historic Places. The State Historic Preservation Office's most recently published list of county sites on the New Jersey and National Register of Historic Places can be viewed at the following website:

<http://www.state.nj.us/dep/hpo/1identify/lists/morris.pdf>.

5.2 Historic Preservation Planning in Morris County

To assess the financial and technical assistance needs related to historic preservation, the County's Department of Planning & Development conducted a survey of municipalities and historic sites and organizations in the spring of 2002. The survey results, and other counties' and state preservation grant programs were reviewed and carefully considered by a Freeholder-appointed Blue Ribbon Advisory Committee on Historic Preservation which developed rules and regulations for a historic preservation funding program. Morris County voters approved a referendum on November 5, 2002 authorizing the Board of Chosen Freeholders to permit historic preservation funding under the Open Space Trust Fund, as allowed by state law. The Board of Chosen Freeholders adopted the Historic Preservation Trust Fund Program Guidelines on December 11, 2002.

5.3 Program Overview

The Morris County Historic Preservation Trust Fund will consider grants for the acquisition, stabilization, rehabilitation, restoration or preservation of historic resources by the County, municipalities and qualified charitable conservancies whose purpose includes historic preservation. Grant applications for plans and reports associated with the implementation of a historic preservation project are also eligible. All historic resources must be eligible, or certified as eligible, for the New Jersey and National Registers of Historic Places.

There are two types of applications available. Projects that are principally construction-related should be detailed in the Construction application. Grant requests for acquisition and plans and reports should be completed on the Non-Construction application. All applications should be submitted to the Morris County Department of Planning & Development, whose staff will conduct a preliminary review to determine eligibility and application completeness. The application will then be reviewed by the Historic Preservation Trust Fund Review Board, who will also visit the site and rate each application according to established criteria. The Review Board's recommendations will be forwarded to the Board of Chosen Freeholders who will determine grant awards.

Applicants will be notified of their award and will receive a grant agreement setting out their State statutory and County requirements. The agreement must be executed by the applicant and the Board of Chosen Freeholders prior to any disbursement of funds from the County.

5.4 Goals of Program

1. Foster comprehensive preservation planning to ensure the continued preservation of historic resources.
2. Stimulate preservation activity by providing funding for technical assistance and restoration projects.
3. Encourage long-term facilities planning and capital budget planning of historic resources.
4. Further the stewardship of the built and natural environment by helping preserve historic structures on open space tracts.
5. Heighten the public's awareness of Morris County's irreplaceable historic character.
6. Increase opportunities for heritage tourism in the County.
7. Help insure that preservation planning is an integral part of community development.

5.5 Eligible Applicants

1. Municipal governments within Morris County
2. Morris County Government
3. Charitable conservancies whose purpose includes historic preservation of historic properties, structures, facilities, sites, areas or objects, or the acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes. Charitable conservancies submitting applications must include documentation of their tax-exempt status. This includes charitable conservancies whose purpose is to preserve state and federal owned historic sites.
4. Religious institutions

5.6 Eligible Properties

1. The property must be located in Morris County.
2. The property must be listed on the National Register of Historic Places or the New Jersey

Register of Historic Places, individually or as part of a historic district listed on the New Jersey Register and National Register.

3. If not listed on either Register, the property must be certified as eligible for listing by the State Historic Preservation Office, either as an individually listed site or as part of a historic district. A Certificate of Eligibility letter or a State Historic Preservation Officer Opinion (SHPO Opinion) issued by the New Jersey State Historic Preservation Officer or proof of State and National Register status must be included with the application.

5.7 Ownership of Project Properties

1. Owner consent is required to submit any application, except for an acquisition.
2. For Construction Grants: If the applicant is not the owner, then the applicant must be able to prove possession and significant control over the property through a valid lease. The unexpired term of the lease must be 20 years from the date of application.
3. For Non-Construction Grants: If the applicant is not the owner or lessor with a 20 year unexpired lease term, then the applicant must be able to prove significant involvement with the property's preservation. Additionally, applicants for the preparation of a New Jersey Register of Historic Places nomination require an owner's consent to place the property in the Register.
4. All properties that are to be purchased must be purchased in fee simple and the purchasing entity must have full control of the land.

5.8 Eligible Activities

All of the eligible activities listed below must be in conformance with the Standards for the Treatment of Historic Properties 1995 (also known as the Secretary of the Interior's Standards for Rehabilitation). These regulations must be followed as currently in effect or as they may be subsequently modified, changed or amended.

Charitable Conservancies that plan to submit construction grant requests exceeding \$50,000 must have prepared a Preservation Plan and obtained professional construction cost estimates based on construction documents before they are eligible to apply for funding toward the actual construction. Applicants may apply for a Non-Construction Grant that includes the preparation of a Preservation Plan, construction documents, construction cost estimates by an independent professional cost estimator, and/or relevant reports or analysis. The construction cost estimate must be escalated two (2) years to the anticipated construction period.

After obtaining an independent construction cost estimate, the applicant may apply for a Construction Grant that includes bidding, construction, and construction administration.

1. Acquisition - the purchase in fee simple of an eligible property, structure, facility, site, area or object by the County, a municipality or charitable conservancy.

Generally, an applicant would not have closed on the property prior to the grant award. However, if they have closed on the property, the following submission criteria would apply:

- a. The property must have been purchased by an eligible applicant.
- b. Applicant must submit at least one independent market appraisal.
- c. The title to the property must have been acquired no earlier than one year prior to the application submission deadline.
- d. No grant money may be used toward appraisals, attorney fees or other closing costs.

- e. The applicant must provide at least 50 percent of the acquisition cost.
 - f. The applicant must provide written assurance that the grant would go toward reducing the mortgage with any balance dedicated to future rehabilitation and restoration of the property.
 - g. The remaining grant money may not be used as future match money for application to the Morris County Historic Preservation Trust Fund.
2. Stabilization - the essential protection of a deteriorated structure, facility or object as it exists at present, establishing structural stability and a weather-resistant enclosure.
 3. Rehabilitation - the act or process of making possible the compatible use of a property through repair and alteration while preserving those portions or features which convey its historical, cultural or architectural value.
 4. Restoration - the act or process of accurately depicting the form, features and character of a property as it appears at a particular period of time by means of the removal of features from other periods and reconstruction of missing features from the restoration period.
 5. Preservation - the act or process of applying measures necessary to sustain the existing form, integrity and material of a historic property.
 6. Plans and Reports - permitted when related to the development, and implementation of historic preservation projects, including the preparation of:
 - a. Architectural plans, designs, specifications, cost estimates and other contract documents
 - b. Feasibility studies
 - c. Historic structures reports
 - d. Historic landscape reports
 - e. Archeological reports
 - f. Engineering reports
 - g. Historic research reports
 - h. Preservation Plans
 - i. National Register of Historic Places nomination forms
 7. Religious institutions - eligible activities include Historic Structure Reports, Preservation Plans, and Assessment Reports; and the preparation of construction documents and completion of construction activities for the exterior building elements, and the building's structural and MEP systems (mechanical, electrical and plumbing).
 8. Cemeteries that are individually listed on or eligible for the New Jersey or National Register of Historic Places: Eligible activities include the preparation of reports, assessments and studies that document the conditions of tombstones or other elements of the cemetery; and the preparation of construction documents and completion of construction activities for all historic cemetery elements.

5.9 Requirements for Matching Funds

To be eligible for a grant that requires match funding, the applicant shall, as part of the application, show evidence of matching funds in hand or demonstrate clearly the ability to match the grant requested.

Match Funding Requirements by Grant Type and Amount

Grant Type	Trust Fund will pay:	Applicant will pay:
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Construction	80%	20%
Acquisition	50%	50%
Non-construction (e.g., Plans and Reports, Nominations, etc.)		
If less than or equal to \$5,000	100%	0%
If more than \$5,000	80%	20%

An applicant's matching share shall consist only of cash raised or on hand. Once a grant agreement has been signed and proof of match submitted to the Trust Fund, a "Notice to Proceed" authorizing the approved project application will be sent to the applicant.

5.10 Ineligible Activities

1. Reconstruction
2. Administrative or operational costs of the agency
3. Ceremonial expenses
4. Publicity expenses
5. Bonus payments of any kind
6. Charges in excess of the lowest qualified bid when competitive bidding is required
7. Charges for deficits or overdrafts
8. Interest expense (or other financing costs)
9. Damage judgments arising from construction or equipping a facility, whether determined by judicial process, arbitration, negotiation, or otherwise
10. Contract cost overruns, not approved, which exceed the allowable amount under the contract specifications
11. Fundraising or lobbying
12. Work including construction, research, and preparation of plans and reports performed outside the approved project period
13. Work not intended in the scope of work set forth in the agreement, including construction, research and preparation of plans and reports
14. Work that does not comply with the Secretary of the Interior's Standards. Work performed on behalf of a municipal government that has not been awarded in compliance with the State Contracts Law (N.J.S.A.52:32-1 et seq.)
15. Work performed on behalf of a nonprofit corporation which has not been awarded in compliance with public bidding requirements if the costs of any contract for the historic preservation project funded with a historic preservation grant exceeds \$50,000.
16. Routine or ongoing maintenance work such as grounds maintenance, painting or cleaning that is not part of a comprehensive project.
17. Relocation of structures, buildings or objects unless all of the following standards are met:
 - a. Relocation is necessary to preserve the historic resource; and
 - b. The relocation re-establishes the property's historic orientation, the immediate setting, and the general environment; and

- c. The State Historic Preservation Officer determines that the property, as relocated, will continue to meet New Jersey Register criteria.

18. Interpretive activities such as displays, signs, etc.

5.11 Historic Preservation Trust Fund Review Board

The Historic Preservation Trust Fund Review Board (“Review Board”) shall review, prioritize and make recommendations to the Morris County Board of Chosen Freeholders on the funding of historic preservation projects under the Historic Preservation Trust Fund.

All nominees to the eleven member Review Board shall be reviewed according to standard County procedures in order to avoid any potential conflict of interest. The Morris County Board of Chosen Freeholders shall appoint the Review Board based upon the recommendations from the various municipalities and/or entities as follows:

Number of Appointees	Appointee Representation
4	Municipal representatives, with one representative from each of the Historic Preservation Regions as stipulated below and on Figure 2
2	At-Large members
1	Morris County Heritage Commission from its membership
1	Professional with expertise in Historic Preservation from the discipline of Preservation Architecture
1	Professional with expertise in Historic Preservation from the discipline of Architectural History
1	Professional with expertise in Historic Preservation from the discipline of Building Restoration
1	Professional with expertise in Historic Preservation, with a background as an archeologist, historic landscape specialist, historic site manager, historic site curator or engineer with historic preservation expertise

Region	Municipalities
I	Chester Boro., Chester Twp., Dover, Mendham Boro., Mendham Twp., Mine Hill, Mt. Olive, Randolph, Victory Gardens, Washington
II	Denville, Jefferson, Mt. Arlington, Netcong, Rockaway Boro., Rockaway Twp., Roxbury, Wharton
III	Boonton Town, Boonton Twp., Butler, Kinnelon, Lincoln Park, Montville, Mt. Lakes, Parsippany, Pequannock, Riverdale
IV	Chatham Boro., Chatham Twp., East Hanover, Florham Park, Hanover, Harding, Long Hill, Madison, Morris Plains, Morristown, Morris Twp.

All municipal and at-large representatives shall have served on a historic preservation commission, committee or board for five years or have demonstrated related historic preservation experience.

All members shall abide by the County’s Policy and Procedures for Attendance of Volunteer Members of Advisory Bodies at Scheduled Meetings and Conflict of Interest.

All Committee members shall be residents of Morris County and shall be required to properly file a

financial disclosure statement as required by N.J.S.A. 40A:9-22.1.

5.12 Term of Office

The municipal members shall serve for no more than two terms of three years each. The Heritage Commission appointee shall serve no more than two terms of three years each. The At-Large representatives shall be appointed for no more than two terms of four years each.

In order to create staggered terms for the appointees with professional expertise in historic preservation, the following terms of office shall be applied for members with professional expertise in historic preservation. No explicit term limits apply to the members with professional expertise.

The appointment for the appointee with background as an archeologist, historic landscape specialist, historic site manager, historic site curator or engineer with historic preservation expertise, shall commence for 1 year for calendar year 2011. Subsequent appointments shall be for terms of 4 years each.

The appointment for the appointee with professional expertise in historic preservation from the discipline of preservation architecture shall commence for 2 years for calendar years 2011 and 2012. Subsequent appointments shall be for terms of 4 years each.

The appointment for the appointee with professional expertise in historic preservation from the discipline of architectural history shall commence for 3 years for calendar years 2011 through 2013. Subsequent appointments shall be for terms of 4 years each.

The appointment for the appointee with professional expertise in historic preservation from the discipline of building restoration commencing in calendar year 2011 and subsequent appointments shall be for terms of 4 years each.

5.13 Application Review

The Morris County Department of Planning & Development will review submitted applications for eligibility and completeness. Applicants are encouraged to consult with the Department staff about any aspect of the application that requires clarification. All eligible and complete applications will be forwarded to the Historic Preservation Trust Fund Review Board who will evaluate them and may visit the sites under consideration during the application review period.

5.14 Application Procedures

5.14.1 Schedule

January	Applications available
Last Friday in March	Applications must be received by the Morris County Department of Planning & Development by this date
June	The Historic Preservation Trust Fund Review Board will make its grant recommendations to the Board of Chosen Freeholders

5.15 Conditions for Receiving Grant Funds

All applicants selected for funding must complete and sign a grant agreement within 60 days of receipt of the grant agreement which details the scope of work and project schedule, as well as schedules for project reports and reimbursement requests. All grantees agree to abide by the Secretary of the Interior's Standards in performing funded work. Grant recipients must also agree to meet other conditions of the grant program before money is disbursed. These include, but are not limited to:

1. Easements - The applicant (and all others with an ownership interest in the property) must execute an easement agreement with a 30-year term with the County of Morris. An easement is a

deed restriction that is used to assure long-term preservation of a historic property through proper maintenance and by limiting changes in use or appearance and preventing demolition of the property. An easement is required for a) all acquisition projects and b) construction grants over \$50,000, applied cumulatively over any number of funding cycles. Easements are not required for non-construction projects resulting in plan development. In no way does this easement supersede any requirements pursuant to Section 106 of the National Historic Preservation Act of 1966 or New Jersey Register of Historic Places Act.

2. Public Access - Public access to all properties funded through this grant program is required. The County and the grantee will negotiate the days and hours that the property will be open to the public, based on the type of work funded by the grant. Public access requirements are stipulated in the easement agreement. No additional public access is necessary for properties open to the public on a regular basis, such as museums.
3. Required Historic Preservation Office Review - The County of Morris and the New Jersey Historic Preservation Office (HPO) have executed a Memorandum of Understanding which permits the County to retain qualified professional staff to review funded projects for compliance with the Secretary of the Interior's Standards. If the project, for which funding is requested, has already been authorized by the HPO, the authorization letter must be submitted with the grant application. For more information, contact the New Jersey Historic Preservation Office, Technical Review Section at (609) 292-2023. No construction can begin on any project until an administrative approval letter is received from the County of Morris.
4. Project Timetable - All work on projects funded through this program must be completed within two years of appropriation of grant funds. If an applicant is unable to complete the work within the two years of appropriation of grant funds, the applicant must come before the Historic Preservation Trust Fund Review Board before the expiration of the two years to officially request an extension. The Review Board could recommend to the Board of Chosen Freeholders up to a one-year extension of the grant agreement which would also specify the work to be completed within the extended time period.
5. National and New Jersey Register of Historic Places - All applicants receiving funding must list their property on the National and New Jersey Registers of Historic Places. The Grant Agreement between the applicant and the County will outline a timetable for the submission of a nomination to the State Historic Preservation Office. An applicant that has received funding for an individual property not yet listed on the National and New Jersey Registers of Historic Places must have a Register nomination accepted by the State Historic Preservation Office for transmission to the New Jersey State Review Board for Historic Sites before additional funding from the Trust Fund can be considered.
6. Accountability - All money dedicated for the preservation project must be kept separate from other agency or organization funds; funds may not be diverted from eligible to ineligible activities once a grant agreement has been approved. Any misuse of funds, misrepresentation, or non-compliance will result in termination of the grant agreement and penalties as specified in the agreement. Receipts and invoices submitted for activities deemed ineligible for funding under this program will not be reimbursed. Grantees must retain all financial records and other documents pertinent to their projects for three years after completion of the project.

5.16 Evaluation Criteria

5.16.1 Construction Projects

1. Significance of the resource
2. Physical condition of the property
3. Proposed use of the site and/or quality of the interpretive program
4. Quality of the preliminary planning or contract documents, including credentials of the project team, and feasibility of the budget and work schedule
5. Ability of the applicant to match the funds requested
6. Ability of the applicant to complete the proposed work, maintain the property, administer the grant funds, and develop programs to sustain and interpret the property
7. Relationship of the project to community revitalization, preservation of the built or natural environment, and heritage education and tourism
8. Degree to which the project promotes preservation activity and represents innovative design and extent to which the project reaches new audiences

5.16.2 Non-Construction Projects

1. Significance of the resource
2. Physical condition of the property
3. Ability of the applicant to match the funds requested
4. Ability of the applicant to complete the proposed work
5. Potential of the project to foster preservation of the historic property; to promote other preservation activity or related cultural or economic activity; and to foster appropriate site management practices that sustain the long-term use of a property
6. Overall quality of the work proposed for funding
7. Degree to which the project promotes preservation activity and represents innovative design and/or reaches new audiences
8. Impact of the project, including:
 - a. Heritage tourism opportunities and public access
 - b. Proposed use and interpretive program for the site
 - c. Plans for the continued preservation of the structure after the expenditure of historic preservation grant money.

6. Amendments

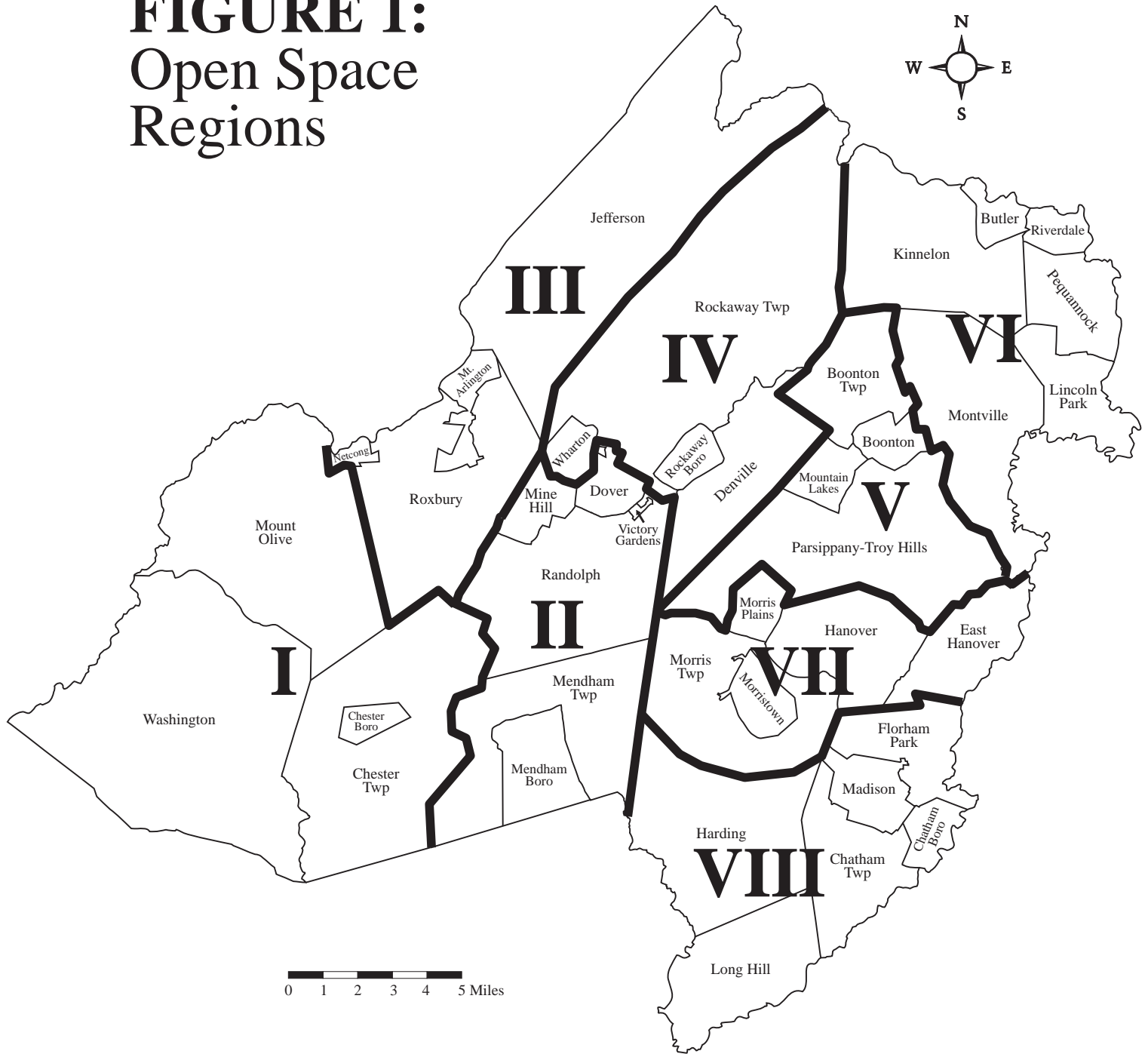
The Morris County Board of Chosen Freeholders may amend the Rules and Regulations of the Open Space, Farmland and Historic Preservation Trust Fund by resolution at any time.

Adopted: May 26, 2010

Original Approval and Amendment History:

Date	Freeholder Resolution	Description
December 14, 1994	35	Original adoption of Open Space and Farmland Preservation Trust Fund Rules and Regulations
September 25, 1996	35	Interest allocation; allocation of funds
September 10, 1997	31	Time frame for execution of grant agreement
February 10, 1999	9	Application review; discretionary dollars
January 26, 2000	27	Alternate projects
October 10, 2001	27	Allocation of unexpended funds
December 11, 2002	46	Adopt Historic Preservation Trust Fund Program and Rules
January 22, 2003	45	Authorization for Historic Preservation funding
February 11, 2003	54	Defined Historic Preservation and established funding allocation
October 8, 2003	10	Established time frame for acquisition
March 10, 2004	30	Allocation of Funds for 2004
April 27, 2005	44	Allocation of Funds for all future years
June 22, 2005	64	Amend Definitions, Allocation of Funds and Acquisition Procedures
July 13, 2005	55	Amend Ineligible Activities and Membership for Historic Preservation Program
December 14, 2005	54	Amend grant agreement extension and Eligible Activities for Historic Preservation Program
April 26, 2006	2	Amend Acquisition Procedures
August 22, 2007	15	Amend Term of Office for Open Space Trust Fund Committee members
November 12, 2008	49	Amend Eligible Properties and Grant Fund Conditions for Historic Preservation Program
March 9, 2011	25	Amend Membership for Open Space Trust Fund Committee
October 26, 2011	10	Amend Conditions for Receiving Grant Funds for Historic Preservation Program
November 9, 2011	38	Amend Membership for Open Space Trust Fund Committee

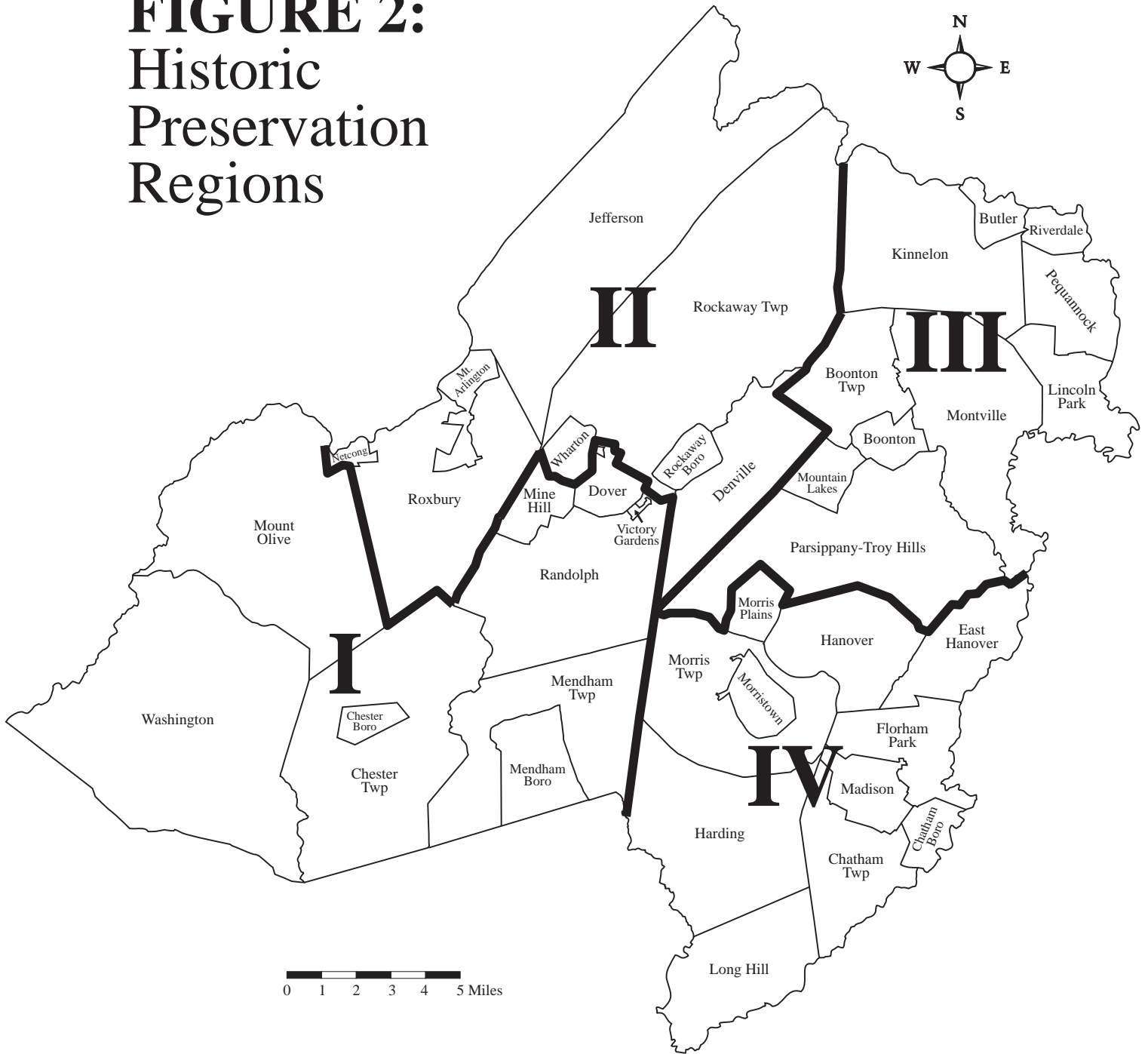
FIGURE 1: Open Space Regions



<u>Region I</u>	<u>Region II</u>	<u>Region III</u>	<u>Region IV</u>	<u>Region V</u>	<u>Region VI</u>	<u>Region VII</u>	<u>Region VIII</u>
Mt. Olive	Mendham Boro.	Roxbury	Rockaway Twp.	Parsippany	Pequannock	Morristown	Madison
Washington	Mine Hill	Mt. Arlington	Denville	Mt. Lakes	Butler	Morris Plains	Chatham Boro.
Chester Twp.	Randolph	Jefferson	Rockaway Boro.	Boonton Twp.	Lincoln Park	East Hanover	Chatham Twp.
Chester Boro.	Mendham Twp.	Netcong	Wharton	Boonton Town	Kinnelon	Hanover	Florham Park
	Victory Gardens				Montville	Morris Twp.	Harding
	Dover				Riverdale		Long Hill

Municipalities are listed in order of rotation on the Open Space Trust Fund Committee.

FIGURE 2: Historic Preservation Regions



Region I

- Chester Boro.
- Chester Twp.
- Dover
- Mendham Boro.
- Mendham Twp.
- Mine Hill
- Mt. Olive
- Randolph
- Victory Gardens
- Washington

Region II

- Denville
- Jefferson
- Mt. Arlington
- Netcong
- Rockaway Boro.
- Rockaway Twp.
- Roxbury
- Wharton

Region III

- Boonton Town
- Boonton Twp.
- Butler
- Kinnelon
- Lincoln Park
- Montville
- Mt. Lakes
- Parsippany
- Pequanock
- Riverdale

Region IV

- Chatham Boro.
- Chatham Twp.
- East Hanover
- Florham Park
- Hanover
- Harding
- Long Hill
- Madison
- Morris Plains
- Morristown
- Morris Twp.